

**COMMISSION MEETING****1:30 P.M.****APRIL 1, 2020**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, April 1, 2020, in the City Commission Meeting Room with Mayor Giefer presiding and Commissioners Geitz, and Smith present. Commissioners Brinkman and Gilligan were present via phone. Also present were City Manager McAnarney, Assistant City Manager Massey and City Clerk Sull. City Attorney Montgomery was present via phone.

**Consent Agenda**

It was moved by Commissioner Geitz, seconded by Commissioner Smith that the Consent Agenda listed below be ratified as a whole:

- a. Consider minutes of the Regular Meeting held on March 18<sup>th</sup> and Adjourned Meeting on March 25, 2020.
- b. Consider ratification of Payroll Ordinance for the period ending on March 27, 2020.

The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

**CITY COMMISSION  
(Public Comment)**

This is the time for the public to make comments. No comments were made at this time.

Mayor Giefer accepted a proclamation declaring the month of April as "National Child Abuse and Neglect Prevention Month" in Emporia. He stated child abuse and neglect is a serious problem affecting every segment of our community, and finding solution requires input and action from everyone in our community. Child abuse can have long-term psychological, emotional and physical effects that can have lifelong consequences for victims of abuse. By providing safe, stable and nurturing relationships for our children, free of violence, abuse and neglect, we can ensure that Kansas' children will grow to their full potential as the next generation of leaders. Working together as a community to increase awareness about child abuse and contribution to promote the social and emotional well-being of children and families in a safe, stable, nurturing environment. He urged all citizens

to recognize the month of April be dedicated to the task of improving the quality of life for all children and families.

**CITY COMMISSION  
(Riverside Subdivision/Riverside Court, LLC)  
(Rural Housing Incentive District)  
(Public Hearing)**

Jim Witt, Special Projects Manager, was recognized and addressed the Governing Body. He stated this is the last public hearing that is a requirement of Kansas statute related to the establishment of a Rural Housing Incentive District (RHID) for the Riverside Subdivision/Riverside Court, LLC. The State of Kansas approved the eligibility of this area for inclusion of a RHID on February 19, 2020. The Riverside Subdivision consists of eleven single family lots just south of Riverside Elementary.

Mayor Giefer then declared the public hearing opened.

As no one in attendance wished to address the Governing Body, Mayor Giefer then declared the public hearing closed.

**CITY COMMISSION  
(Adopt the Development Plan Riverside Addition)  
(Rural Housing Incentive District)  
(Ordinance Number 20-07)**

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH DISTRICT, AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH (RIVERSIDE ADDITION), to which the City Clerk assigned Ordinance Number 20-07, was presented to the Governing Body for their consideration.

Jim Witt, Special Projects Manager, was recognized and addressed the Governing Body. He stated this is the final step in the RHID process to meet state requirements. The development consists of eleven homes south of Riverside Elementary. The Commission previously approved the plat and established a public hearing for the project. This ordinance would adopt the Development Plan for the district. He stated recent information from the local agent for the development group targets the price range for the homes to be constructed from \$175,000.00 to \$200,000.00.

Following further discussion, Commissioner Smith made a motion to

approve Ordinance Number 20-07, an ordinance establishing the Riverside Addition as a Rural Housing Incentive District. Commissioner Geitz seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

**CITY COMMISSION  
(Amending Chapter 9 of the Municipal Code)  
(Consider Addition of New Section 9-17.1)  
(Enforcement of Public Health Orders)  
(Ordinance Number 20-08)**

AN ORDINANCE RELATING TO THE ENFORCEMENT OF PUBLIC HEALTH ORDERS; AMENDING CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF EMPORIA, KANSAS BY THE ADDITION OF NEW SECTION 9-17.1 VIOLATING A PUBLIC HEALTH ORDER, to which the City Clerk assigned Ordinance Number 20-08, was presented to the Governing Body for their consideration.

City Attorney Montgomery, was recognized and addressed the Governing Body. The Public Health Officer has the authority to make orders of quarantine, mandatory disinfection, restricting public gathering, communication, and other matters relating to a contagious disease outbreak. The Public Health Officer issued a stay at home order on March 26, 2020 until April 25, 2020. The County Public Health Officer's order was superseded by Governor Kelly's Executive Order 20-16 which is in effect until April 19, 2020. The County Order may resume after expiration of the Executive Order. This proposed ordinance would allow the Emporia Police Department to ticket individuals in violation of an active Public Health Order on scene and to appear in Emporia Municipal Court. She stated staff has prepared an ordinance proposal which would create a new offense in the City Code called "Violating a Public Health Order." This ordinance would make it unlawful to disobey an order of the Lyon County Health Officer, Lyon County Board of Health, or Lyon County Director of Health. This offense would be a Class C misdemeanor punishable by a fine up to \$500, a jail term of up to one month, or both. These proposed penalties mirror the penalties that could be imposed through state law for disobeying a public health order. This ordinance would enable prosecution of this offense through Emporia Municipal Court. If approved, this ordinance will become

part of the City Code and will remain there permanently, unless it is repealed in the future. It will only be available for use as an enforcement tool when there is an active order of the County Public Health Officer.

Commissioner Geitz stated he felt that the County Health Officer is the agency issuing the orders concerning public health and Lyon County should be the issuing the orders for enforcement. He stated he would not vote in favor of this ordinance.

Mayor Giefer stated he had concerns expressed to him from the public and he would not support this ordinance.

Following further discussion, Commissioner Smith made a motion to approve Ordinance Number 20-08, an ordinance relating to the enforcement of public health orders and amending chapter 9 of the municipal code by the addition of a new section 9-17.1 violating a public health order. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Geitz, nay; and Mayor Giefer, nay.

**CITY COMMISSION  
(City Manager's Report)**

This is a verbal report that announces upcoming events, recognizes employees for outstanding contribution and provides the public information that may be of a general interest. The following information was presented at the meeting:

At the time this Agenda was prepared, the following items were in the works:

**Tentative Agenda for April 8th Study Session**

Update on Commission Goals.

City Financial Review and Update

City Manager McAnarney asked the Commission to consider holding the remainder of the meetings for the month of April to online meetings instead of meeting in person.

Commissioner Smith then made a motion to adjourn. Commissioner Geitz seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

---

Danny Giefer, Mayor

ATTEST:

---

Kerry Sull, City Clerk